

REMARKS

The present amendment is submitted in an earnest effort to advance this case to issue without delay.

This amendment being a response to an office action following a request for continued examination.

The specification has been amended to provide antecedent basis for terminology used in amending claim 1 here. The terminology is supported in the drawing and particularly in FIGS. 4a and 4b. Hence the specification change does not involve any new matter.

The claims have been amended to structurally differentiate further from Hübner, the reference primarily relied upon by the Examiner.

While the claims always distinguished in terms over Hübner which does not have an armrest separable from the pivoting axis and removable from the hinge, the present amendment to the claims further differentiates.

For example, hinge arms 172 and 182 with notches at the opposite ends 173, 174 and 183, 184 have been expressly set forth so that there is no ambiguity any longer with respect to an arm.

While, in Applicants view, the reference does not truly have a hinge arm, the Examiner has identified the member 7 as a hinge arm in Hübner and has applied the claims on that basis to the reference.

If Hübner does have a hinge arm at 7, that hinge arm is not provided with notches at opposite ends.

Furthermore, the claims have been amended to define the projection 34 as part of a hook on the armrest which is engageable in the notch 173, 183.

The armrest 1 of Hübner does not have any hook engaging in member 7 as will be apparent from the detailed views of FIGS. 3 and 4 of Hübner et al.

Finally, claim 1 now expressly requires that the disengaging element 26, 27 engage in a notch at the opposite end of the hinge arm, namely, the notch 174 or 184. That too is not present in the structure of Hübner here, according to the Examiner's proposal the disengaging element is the member 9. The

member 9 in Hübner does not engage any notch at the end of the arm 7 of Hübner.

To remove claim 1 further from Hübner et al, it is also made clear that the armrest is fully detachable from both the hinge and the hinge arm which is clearly not the case with Hübner if member 7 is considered to be a hinge arm.

From the foregoing, it will be apparent that the rejection of claim 1 on Hübner et al under 35 USC 102(b) cannot stand since:

A) Hübner et al does not have a hinge arm as claimed from which the arm rest is fully detachable and removable;

B) Hübner et al does not have a hinge arm having notches at opposite ends thereof;

C) Hübner et al does not have an armrest having a hook engageable in one of these notches; and

D) Hübner et al does not have a disengaging element and normally engaged in the other notch for the joint rotation of the hinge arm and hinge arm rest but disengaging the arm upon application of a force to the armrest exceeding a limiting force upon swinging of the armrest relative to the support.

There is no question, therefore, that claim 1 is not anticipated by Hübner et al and equally no question that Hübner et al fails to meet each and every limitation in the claim and more importantly, fails to meet the spirit of the claim.

Applicants and his representative have carefully studied the Hübner et al reference and cannot see anywhere the suggestion that the armrest of Hübner et al is removable.

The armrest of Hübner et al does have an overload protection facility but this protection is realized in a way which is completely different from the present invention and fulfills the function only of retaining the armrest at a substantially horizontal position except in the case of the overload. It does not allow a separation of the armrest from the hinge or a hinge arm. The following are the Applicants conclusions:

"According to Hübner et al. the armrest comprises a locking device 4 (cf. figs, 1 through 4) including a setting piston 7 capable of an approximately radial movement to a bearing journal 3 and under the effect of an engagement spring 8, with a transverse aperture 7a and a locking slide 9 capable of displacement therein.

The armrest of Hübner et al is not comparable to that of the present invention that permits to completely separate or detach the armrest from its support whereas figs. 1 through 4 of Hübner et al. depict an armrest that can catch a recess by means of a wheel 25 which may be forced back on the circular path 12 up or down.

Figures 5 through 10 cited now by the examiner to show that the armrest of Hübner et al. Is capable of being detached and removed do show details of that invention as can be taken from the BRIEF DESCRIPTION OF THE DRAWINGS wherein one of these details is namely mentioned: the housing in different views. Thus, the examinees position in no way can be verified by the drawings.

The present invention teaches to separate the armrest entirely from the support and thus creates a structure that precludes the armrest from being damaged even when the armrest is treated in rough manner. Unlike the present invention Hübner et al, relates to an armrest that can be positioned at different inclinations but can be held only at that position that corresponds to recess 11 in circular path 12. It is possible to move the armrest between end positions A and B as sketched by hand in fig. 2 of Hübner et al. that you find enclosed to this letter. This fact

is reflected by the description of Hübner et al.: "The locking slide does not take part in absorbing the forces conducted via the armrest, but is only displaced between the two end positions of the armrest, with low friction, by the two contact edges," (column 3, lines 37 - 40). This wording leaves no doubt that armrest 1 known from this patent cannot be separated from housing 2 as it is impeded from separating by the two edges.)"

Since the reference does not allow the separation and does not have the structure recited in claim 1 whereby that separation is permitted, claim 1 cannot be considered to be obvious from Hübner et al.

Claims 2 to 11 are more detailed with respect to that structure and are neither fully met or suggested by the Hübner et al reference.

Claims 1 to 11 as now amended are thus believed to be allowable and an early notice to that effect is earnestly solicited.

Respectfully submitted,
The Firm of Karl F. Ross P.C.



By: Herbert Dubno, Reg. No. 19,752
Attorney for Applicant

db-
February 13, 2006
5676 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099